

2011 DRAFTING REQUEST

Bill

Received: **02/01/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Thornton**

May Contact:

Drafter: **chanaman**

Subject: **State Govt - procurement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Thornton, BB0288 -

Topic:

Department of Administration to maintain list of contractors who have violated procurement requirements

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman	csicilia	jfrantze	_____	mbarman		State
	02/01/2011	02/08/2011	02/08/2011	_____	02/08/2011		
	chanaman	csicilia		_____			
	02/13/2011	02/14/2011		_____			
/P2			rschluet	_____	sbasford		State
			02/14/2011	_____	02/14/2011		

FE Sent For:

<END>

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FE Sent For:

P2 js 2/14/12


<END>

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/P1	chanaman	P1 cjs 2/7/11	2/8	RS 2/8			

FE Sent For:

<END>

Hanaman, Cathlene

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
Sent: Monday, January 31, 2011 12:56 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request
Topic: Contractor Debarment

Tracking Code: BB0288

SBO Team: ITPS

SBO Analyst: Thornton, Scott - DOA
Phone: (608) 266-5051
E-mail: Scott.Thornton@wisconsin.gov

Agency Acronym: DOA

Agency Number: 505

Priority: Medium

Intent:
Expand the language in 16.765(9) to include all problem contractors under all Subchapter IV, chapter 16, or put in a new section in subchapter IV that allows DOA to debar errant contractors.

Attachments: False



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1263/P1

CMH:.....

cjs

DOA:.....Thornton, BB0288 - Department of Administration to maintain list of contractors who have violated procurement requirements

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

do NOT go down sen

STATE GOVERNMENT head
OTHER STATE GOVERNMENT sub

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

This bill requires DOA to maintain a list of parties who have violated statutory provisions governing state procurement. Any party on the list is ineligible for an award of a state contract unless DOA removes the party from list after DOA determines that the party complies with the statutory provisions and has adequate safeguards to prevent future violations.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.705 (9) of the statutes is created to read:

providing contractual services

3 16.705 (9) The department shall maintain a list of parties who have violated
4 a provision of this subchapter. The parties on the list are ineligible for state contracts
5 and no state contract may be awarded to a party on the ineligible list. The

1 department may remove any party from the ineligible list if the department
2 determines that the party's practices comply with this subchapter and provide
3 adequate safeguards against future violations of this subchapter.

4 **SECTION 9301. Initial applicability; Administration.**

5 (1) CONTRACTING INELIGIBILITY. The treatment of section 16.705 (9) of the
6 statutes first applies to awards for contracts given on the effective date of this
7 subsection.

8 (END)

Hanaman, Cathlene

From: Thornton, Scott - DOA [scott.thornton@wisconsin.gov]
Sent: Friday, February 11, 2011 12:28 PM
To: Hanaman, Cathlene
Subject: Requested modification to LRB 11-1263/P1 (DOA Tracking BB0288)

Cathlene -

We'd like the following modifications added to the draft on maintaining a list of contractors who have violated procurement requirements:

16.705(9): instead of "parties providing contractual services" make it "parties under contract with the state pursuant to subchapter IV, chapter 16. (they want it broader than just contractual services).

16.705(9): "... who have violated a provision of this subchapter" ADD: or any term, or provision of, or obligation under, a contract with the state.

Please let me know if you have questions.

Thanks,

Scott

Scott B. Thornton
Policy Initiatives Advisor - Administrative
State Budget Office
Wisconsin Department of Administration
(608) 266-5051
scott.thornton@wi.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1263/PV

CMH:cis:jf

slays

DOA:.....Thornton, BB0288 - Department of Administration to maintain list of contractors who have violated procurement requirements

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

do NOT
don't get lost

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill requires DOA to maintain a list of parties who have violated statutory provisions governing state procurement. Any party on the list is ineligible for an award of a state contract unless DOA removes the party from list after DOA determines that the party complies with the statutory provisions and has adequate safeguards to prevent future violations. ^{contractual or statutory}

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

a state procurement
a state procurement
contract or
a

or have
been

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.705 (9) of the statutes is created to read:

3 16.705 (9) The department shall maintain a list of ~~parties providing~~

4 ~~contractual services~~ who have violated a provision of this subchapter. The parties

or a contract under
this subchapter

persons that are a
party to a
contract

with the state
under this
subchapter

1 on the list are ineligible for state contracts and no state contract may be awarded to
2 a party on the ineligible list. The department may remove any party from the
3 ineligible list if the department determines that the party's practices comply with
4 this subchapter and provide adequate safeguards against future violations of this
5 subchapter. *or contracts under this subchapter*
or contracts under this subchapter

6 **SECTION 9301. Initial applicability; Administration.**

7 (1) CONTRACTING INELIGIBILITY. The treatment of section 16.705 (9) of the
8 statutes first applies to awards for contracts given on the effective date of this
9 subsection.

10 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1263/P2
CMH:cjs:rs

DOA:.....Thornton, BB0288 – Department of Administration to maintain list
of contractors who have violated procurement requirements

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill requires DOA to maintain a list of parties who have violated a state procurement contract or a statutory provision governing state procurement. Any party on the list is ineligible for an award of a state contract unless DOA removes the party from list after DOA determines that the party complies with the statutory provisions and has adequate safeguards to prevent future contractual or statutory violations.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 16.705 (9) of the statutes is created to read:

3 16.705 (9) The department shall maintain a list of persons that are or have
4 been a party to a contract with the state under this subchapter who have violated a

1 provision of this subchapter or a contract under this subchapter. The parties on the
2 list are ineligible for state contracts and no state contract may be awarded to a party
3 on the ineligible list. The department may remove any party from the ineligible list
4 if the department determines that the party's practices comply with this subchapter
5 and provide adequate safeguards against future violations of this subchapter or
6 contracts under this subchapter.

7 **SECTION 9301. Initial applicability; Administration.**

8 (1) CONTRACTING INELIGIBILITY. The treatment of section 16.705 (9) of the
9 statutes first applies to awards for contracts given on the effective date of this
10 subsection.

11 (END)